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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,277	05/11/2001	Mazen Chmaytelli	000273	8239

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

POLTORAK, PIOTR

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,277

Applicant(s)

CHMAYTELLI, MAZEN

Examiner

Peter Poltorak

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 have been examined.

Priority

2. No claim for priority has been made in this application.
3. The effective filing date for the subject matter defined in the pending claims in this application is 05/11/2001.

Drawings

4. The drawings are objected to because the portable device 100 as discussed in reference to Fig. 3 in paragraph 1048 (for example) of the specifications is not found in Fig. 3.
5. Objects P110, P120 and P130 of Fig. 5 are not discussed in the specifications as related to Fig. 5. Similarly objects P210, P220 and 230 are not discussed in relation to Fig. 7.
6. Fig. 8 shows objects 210 and P220, Fig. 9 shows objects 210, 215, 220, 235, and Fig. 10 shows P210, P215, P220, P230 and P250. None of these objects are discussed in relation to the respective figures.
7. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where

necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-5, 7, 9-12, 14-18, 20, 22-25 and 22-28 are rejected under 35 U.S.C.

103(a) as being unpatentable over *Hsu et al. (U.S. Patent No. 6038666)* in view of *Windows NT Server* as evidenced by *Minasi (Mastering Windows NT Server, 6th edition, 1999, ISBN: 0782124453)*.

9. Regarding claims 1 and 9 – *Hsu et al.* teach a sensing unit that collects biometric data (*element 16, Fig. 1 and 2*) from a user of the portable device, a token identifying a user (*confirming message*) based on the biometric data (*Hsu et al., col. 5 lines 15-*

- 24), and an access terminal for data communication with a network over a wireless communications link (*Hsu et al.*, Fig. 1A and 1B, col. 4 line 53-col. 5 lines 25).
10. *Hsu et al.* do not teach the portable device receiving configuration information, a portion of which determines at least in part the configuration of the device.
11. *Minasi* teaches a portable device receiving configuration information (*roaming profile*) that determines at least in part the configuration of the device (*pg. 384 last § (user profiles - explained) and Minasi, pg. 393 § 1 and pg. 394 last §*).
12. It would have been obvious to one of ordinary skill in art at the time of applicant's invention to implement the Windows NT server as evidenced by *Minasi* into the portable device taught by *Hsu et al.*'s in order to allow multiple users who share a portable device to have the most appropriate working environment.
13. Claims 3-4, 11 and 16-17 are substantially equivalent to claim 1; therefore claims 3-4, 11 and 16-17 are similarly rejected.
14. Regarding claim 5— *Hsu et al.* teach a biometric data being fingerprint data (*Hsu et al.*, col. 5 lines 15-19).
15. Regarding claims 7 and 20 – *Hsu et al.* teach a wireless communication link associated with a cellular network for wireless communications (*Hsu et al.*, col. 4 lines 15-18).
16. Regarding claim 10 and 14-15 – *Minasi* does not explicitly teach detecting a correspondence between the user identification token and one among a plurality of templates. However, user identification token identifies a specific user and each template (*roaming profile*) is associated with each user's account information (*col.*

385, *Roaming Profile* section). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to configure NT to use user identification tokens to detect corresponding users' template. One of ordinary skill in the art would have been motivated to perform such a modification to make sure that each user has his device configured to his/her likes allowing him/her to have the most comfortable and productive computing experience.

17. The other limitations of claim 10 are substantially equivalent to claim 1; therefore claim 10 is similarly rejected.

18. Claims 12 and 18 recite a concomitance of the previously recited and rejected claim features, and thus fail to distinguish over the rejected claim 5. Accordingly, they are rejected upon the same rationale; see above for the specifics of the rejection.

19. Regarding claim 22 – *Hsu et al.* teach a portable device including a display interface (*elements 16 and 19 in Fig. 1A and B*). *Hsu et al.* do not teach a configuration of the display interface being determined by the set of configuration information.

20. *Minasi* teaches a device with the display interface determined by the set of configuration information (*Minasi, pg. 384, "User profiles: How they work..." section*).

21. It would have been obvious to one of ordinary skill in art at the time of applicant's invention to incorporate configuration information in order to configure the display interface. One of ordinary skill in the art would have been motivated to perform such a modification to accommodate the use of many users on the same device and provide each one of them with the most comfortable computing experience.

22. Regarding claim 23 and 27 – *Hsu et al.* teach an access network receiving a user identification token from a portable device (*Hsu et al.*, col. 5 lines 19-21), and *Minasi* teaches user template (*Minasi*, pg. 393 § 1). *Minasi* does not explicitly teach a configuration information database storing a plurality of sets of configuration information, each set corresponding to one among the user templates and a pattern matcher detecting a correspondence between the user identification token and one among the plurality of user templates. However, these features are inherent as § 2 teach that NT server stores a plurality of user templates and that each corresponds to a plurality of sets of configuration information (*Minasi*, pg. 384 last §). Also, user's identification token identifies a specific user and each template (*roaming profile*) is associated with each user's account information (col. 385, *Roaming Profile* section). Thus it would have been obvious to one of ordinary skill in art at the time of applicant's invention to implement a pattern matcher in order to match a user identification token to corresponding user template. One of ordinary skill in the art would have been motivated to perform such a modification to make sure that each user receives the template configuring the device he/she uses to his/her likes and in result allowing him/her to have the most comfortable and productive computing experience.

23. Regarding claim 24 – pattern matcher assuring that a user receives the template corresponding to the user identification token has been addressed in claim 23. Since the user identification token is based on the biometric data (claim 1) and both of these features are part of the same network it would have been obvious to one of

ordinary skill in art at the time of applicant's invention to charge the same entity (pattern matcher) with detection of correspondence between biometric data of the user identification token and one among the plurality of user templates. One of ordinary skill in the art would have been motivated to perform such a modification to minimize the chances of incorrect configuration being accessed by the user possibly upsetting the user and jeopardizing the system's security

24. Regarding claim 25 – limitations of claim 25 are addressed by claims 5 and 24, and accordingly claim 25 is rejected upon the same rationale; see above for the specifics of the rejection.

25. Regarding claim 28 – limitations of claim 28 are addressed by claims 25 and 1, and accordingly claim 28 is rejected upon the same rationale; see above for the specifics of the rejection.

26. **Claims 6, 13, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hsu et al.* (U.S. Patent No. 6038666) in view of *Windows NT Server* as evidenced by *Minasi (Mastering Windows NT Server, 6th edition, 1999, ISBN: 0782124453)*.**

27. Regarding claims 6,13,19 and 26 – *Hsu et al.* teach a biometric data including fingerprints and other biometric data. *Hsu et al.* do not explicitly teach biometric data including voice data. The examiner takes Official Notice that using voice data as biometric data is old and well established in the art. It would have been obvious to one of ordinary skill in art at the time of applicant's invention to extend *Hsu et al.*'s invention to incorporate data voice collection. One of ordinary skill in the art would

have been motivated to perform such a modification in order to increase flexibility and availability of the security system.

28. Regarding claim 26 – limitations of claim 26 are addressed by claims 6, 13, 19 and 24, and accordingly claim 26 is rejected upon the same rationale; see above for the specifics of the rejection.

29. **Claims 2, 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hsu et al.* (U.S. Patent No. 6038666) in view of *Windows NT Server* as evidenced by *Minasi* (*Mastering Windows NT Server*, 6th edition, 1999, ISBN: 0782124453) as applied to claims 1, 3 and 16 above, and in further view of *Outlook 97* as evidenced by *Thurlow et al.* (U.S. Patent No. 5917489).**

30. *Hsu et al.* in view of *Windows NT Server* as evidenced by *Minasi* teach receiving configuration information that determines at least in part the configuration of the device. *Hsu et al.* in view of *Windows NT Server* as evidenced by *Minasi* do not teach selecting one among a plurality of number assignment modules of the portable device according to the set of configuration information.

31. *Thurlow et al.* teach plurality of number assignment modules (*col. 8 lines 36-46 and MAPI profiles, col. 7 lines 54-65, col. 5 lines 6-11 and 36-46*).

32. It would have been obvious to one of ordinary skill in art at the time of applicant's invention to implement *Thurlow et al.*'s teaching in order to allow each user accessing the appropriate assignment module. One of ordinary skill in the art would have been motivated to perform such a modification to allow a single machine being used by multiple users to access their e-mail.


Conclusion

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (703) 305-0719. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

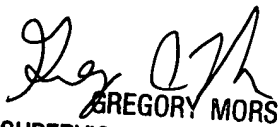
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Signature


Date

8/9/04


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